



CITY OF
TUCSON

DEPARTMENT OF
URBAN
PLANNING &
DESIGN

August 11, 2004

To: Subscriber to the Tucson *Land Use Code (LUC)*

SUBJECT: SUPPLEMENT NO. 33 TO THE LAND USE CODE (LUC)

Dear Subscriber:

Enclosed is Supplement No. 33 to your copy of the City of Tucson *Land Use Code (LUC)*. An explanation of the revisions included in this Supplement is also enclosed.

This Supplement includes Ordinance No. 10016 Landscaping and Screening Regulations, adopted by the Mayor and Council on August 2, 2004. In addition, some minor formatting errors have been corrected.

Please recycle and replace pages in your *LUC* as follows.

Article III. Development Regulations		
Item	Remove Old Pages	Insert New Pages
Division 7. Landscaping and Screening Regulations	288-298	288-298.1
Article V. Administration		
Item	Remove Old Pages	Insert New Pages
Division 1. Powers and Duties	322/323	322/323
Article VI. Definitions		
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Appendices		
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Appendix 1 - Checklist of Up-to-Date Pages	1-3	1-3

Please insert and maintain this instruction sheet in the front of your copy of the *LUC*.

Should you have any questions while replacing these pages, please call me at 791-4505.

Sincerely,

Jennifer Noriega

Jennifer Noriega
Planning Technician

Enclosures: Summary of Amendment
Supplement No. 33

TUCSON *LAND USE CODE (LUC)* - SUPPLEMENT NO. 33

SUMMARY OF AMENDMENTS

ORDINANCE NO. 10016

ORDINANCE NO. 10016 (*Adopted and Effective on August 2, 2004*)

Landscaping and Screening Regulations. This supplement includes an amendment addressing the lack of canopy trees within parking lots and street landscape borders along the exterior boundaries of subdivisions within the City of Tucson.

3.7.2.2 Use of Drought-Tolerant Vegetation.

- A. Except as otherwise provided by this Division, all plant material used for landscaping shall be selected from the Drought Tolerant Plant List in Development Standard 2-16.0. (Ord. No. 9967, §3, 7/1/04)
- B. Areas of reseeded or hydroseeding after grading are subject to the seed list requirements of Development Standard 2-16.0. (Ord. No. 9967, §3, 7/1/04)
- C. Plants not listed on the Drought Tolerant Plant List may be used as follows.
 - 1. Existing Plants. Existing trees and shrubs may be incorporated in a landscaped area, if their locations do not conflict with the plant location requirements of this Division or Development Standard 2-06.0.
 - 2. Scenic Routes. Within a Scenic Corridor Zone (SCZ), native vegetation must be used in the buffer areas adjacent to a Scenic Route as required by Sec. 3.7.5.2.
 - 3. Oasis Allowance. An oasis is an area where nondrought tolerant landscaping designs are permitted. Plants not listed on the Drought Tolerant Plant List may be used in an oasis if the plants are grouped in separately programmed irrigation areas according to their water requirements. The location and maximum area on a site that may be used for oasis areas, including those located in a street landscape border, are determined as follows.
 - a. Multifamily Residential Uses. Up to five (5) percent of the site, or one hundred (100) square feet per dwelling unit, or eight (8) percent of the required open space, whichever is greater.
 - b. All Other Uses. Equal to, but not more than, two and one-half (2.5) percent of the site.
 - c. General locational standards for oasis areas are provided in Development Standard 2-06.0. Oasis areas may be located in the street landscape border only if:
 - 1. The oasis areas do not total more than five (5) percent of the area of the street landscape border; and
 - 2. The nondrought tolerant plants used in the oasis area are flowering bedding plants.
 - 4. The oasis area limitations in Sec. 3.7.2.2.C.3 and turf area restrictions in Sec. 3.7.2.5 do not apply to:
 - a. Public parks and botanical gardens;
 - b. Outdoor recreation facilities, whether under public or private ownership, for public use, schools, day care centers;
 - c. The playing areas of golf courses;
 - d. Cemeteries; or
 - e. Mobile home parks, except in street landscape borders.

Note: Turf areas of ten (10) acres or more are regulated by the state. The State Department of Water Resources shall be notified of cases where proposed turf or other high water uses exceed ten (10) acres. (Ord. No. 9392, §1, 5/22/00)

3.7.2.3 Vehicular Use Areas. The following requirements apply to developments which provide more than four (4) motor vehicle parking spaces.

A. *Canopy Trees in Vehicular Use Areas.*

1. Within a vehicular use area, one (1) canopy tree is required for each ten (10) motor vehicle parking spaces or fraction thereof.
 - a. The canopy trees must be evenly distributed throughout the vehicular use area. Every parking space shall be located within forty (40) feet of the trunk of a canopy tree (as measured from the center of the tree trunk).
 - b. In areas where a required landscape border falls within the vehicular use area, up to 50% of the canopy trees may be counted towards both the minimum parking lot canopy tree requirement and the landscape border canopy tree requirement
 - c. An unpaved planting area, which is a minimum of thirty-four (34) square feet in area and four (4) feet in width, must be provided for each canopy tree.
 - d. Structurally covered or underground motor vehicle parking spaces are not included in calculating the required number and location of canopy trees.

(Ord. No. 10016, §1, 8/2/04)

2. The following option may be used in place of Sec. 3.7.2.3.A.1 to calculate the required number of canopy trees within a vehicular use area.
 - a. The shade pattern caused by trees at maturity and buildings on the vehicular use area from 9:20 a.m. to 3:20 p.m. Mountain Standard Time on June 21 covers fifty (50) percent of the paved area within the vehicular use area.
3. On expansion of an existing development that is located on a lot of record on February 17, 1991, ten thousand (10,000) square feet or less in size, the existing vehicular use area is exempt from the canopy tree requirement, if the existing vehicular use area is in compliance with the zoning regulations in effect at the time the existing vehicular use area was developed.
4. On expansion of an existing development, the existing vehicular use areas are exempt from the canopy tree requirement if the existing vehicular use area is subject to development plans or permit site plans approved between February 15, 1991 and August 2, 2004.

(Ord. No. 10016, §1, 8/2/04)

- B. *Plant Protection.* Areas where plants are susceptible to injury by vehicular or pedestrian traffic must be protected by appropriate means, such as curbs, bollards, or low walls.

3.7.2.4 Landscape Borders. There are two (2) types of landscape borders: Street landscape borders and interior landscape borders. The following apply to all landscape borders.

- One (1) canopy tree must be provided for every thirty-three (33) linear feet of landscape border or fraction thereof, excluding vehicular ingress or egress points.

- A minimum of one (1) canopy tree must be provided within a required landscape border.
 - Trees may be planted at varying distances apart.
- A. *Street Landscape Borders.* To enhance the visual appearance of the streetscape, a landscape border is required in accordance with Table 3.7.2-I along the street frontage of a site as follows. (Ord. No. 9374, §1, 4/10/00)
1. Street landscape borders shall be a minimum of ten (10) feet wide as measured from the street property line. On streets designated as Major Streets and Routes (MS&R), the street landscape border is measured from the MS&R right-of-way line as determined by Sec. 2.8.3.4.
 2. Street landscape borders for residential subdivisions of eight (8) or more lots shall conform to the following standards:
 - a. Street landscape borders are only required along the exterior boundaries of subdivisions. Landscape borders are not required along front yard street frontages.
 - b. Walls, fences, or other screening must be placed behind the landscape border.
 - c. The landscape border shall be recorded as common area and maintained by the homeowners association (HOA). The subdivision CC&Rs shall reference the maintenance standards in Sec. 3.7.6. The DSD Director may allow the recording of a public use easement with the subdivision plat in cases where the requirements of this section is the only reason for the creation of an HOA. The public use easement shall require the abutting property owner to install and maintain a landscape border in accordance with the standards in this Division. (Ord. No. 9392, §1, 5/22/00)
 - d. Street landscape borders fronting on local streets may be reduced to a minimum of five (5) feet.
- (Ord. No. 10016, §1, 8/2/04)
3. Street landscape borders shall be located entirely on site, except that, if approved by the City Engineer or designee, up to five (5) feet of the required ten (10) foot width be placed within the adjacent right-of-way area or within the Major Streets and Routes (MS&R) right-of-way area on MS&R streets.
 4. Except as otherwise provided by this Division, the area between the right-of-way line and sidewalk and the area between the sidewalk and the curb, if not covered with vegetation, shall be covered with an appropriate inorganic ground cover, such as decomposed granite.
 5. Fifty (50) percent or more of the area of the street landscape border must be covered with shrubs or vegetative ground cover. The required ground coverage must be achieved within two (2) years from the date of planting.
 6. Street landscape borders on property with street frontage on a designated Scenic Route are subject to the requirements of Sec. 3.7.5.2.A. (Ord. No. 9138, §1, 10/5/98)
- B. *Interior Landscape Borders.* Interior landscape borders are required as a buffer and visual transition along the common property lines between adjacent land uses and zones as follows.
1. Interior landscape borders shall be provided as determined in Table 3.7.2-I, which ranks land uses and zones based upon their land use intensity and the impact a use will have on adjacent land uses.

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 ARTICLE III. DEVELOPMENT REGULATIONS
 DIVISION 7. LANDSCAPING AND SCREENING REGULATIONS

TABLE 3.7.2-I						
LANDSCAPE BORDER AND SCREENING REQUIREMENTS - SECTIONS 3.7.2.4 AND 3.7.3						
	ADJACENT STREET OR ZONE (DEVELOPED OR VACANT)					
LAND USE	STREETS		ZONES ⁺			
	MS&R	Non-MS&R	Residential	Office	Commercial	Industrial
Residential Subdivisions	#‡	#‡ (see Sec. 3.7.2.4.A.2.d)	---	---	---	---
Multifamily	#	#	#	---	---	---
MH Parks	# 5' screen	# 5' screen	# 5' screen	# 5' screen	---	---
Office	# ---	# 30" screen	# 5' wall	---	---	---
Commercial	# 30" screen	# 5' screen	# 5' wall	# 5' screen	---	---
Industrial	# 30" screen	# 5' screen	# 5' wall	# 5' wall	# 5' screen	---
All Other Uses	# 30" screen	# 5' screen	# 5' screen	# 5' screen	# 5' screen	---
<i>Specific Uses*</i>						
Recreation Areas	# 5' wall	# 5' screen	5' screen	5' screen	---	---
Loading Areas	# 6' wall	# 6' wall	6' wall	6' wall	---	---
Drive Through	# 30" screen	# 5' screen	5' wall	5' screen	---	---
Mechanical Equipment	(Screened entirely from view along the street frontage.)				---	---
Mobile Homes; R.V. Storage	# 6' screen	# 6' screen	6' screen	5' screen	---	---
Multiunit Storage Facility	# 6' screen	# 6' screen	6' wall	6' wall	---	---
Outdoor Display of Merchandise, Sales or Rental	# 30" screen	# 5' screen	5' wall	5' screen	---	---
Billboards and Outdoor Storage	# 6' screen	# 6' screen	6' wall	6' screen	6' screen	---
Parking Lots	# 30" screen	# 5' screen	5' wall★	5' wall★	---	---
Refuse Storage and Laundry Yards	# 6' screen	# 6' screen	6' wall	6' wall	6' screen	---
Service Bays	# 30" screen	# 5' screen	5' wall	5' wall	---	---
Utility Service	# 6' screen	# 6' screen	6' wall	6' wall	6' screen	---
KEY AND NOTES (for the purposes of this Table)						
Residential Zones:	OS, IR, RH, SR, SH, RX-1, RX-2, R-1, R-2, MH-1, MH-2, R-3, MU		Commercial Zones:	P, RV, NC, RVC, C-1, C-2, C-3, OCR-1, OCR-2		
Office Zones:	O-1, O-2, O-3		Industrial Zones:	P-I, I-1, I-2		
#Street Landscape or Interior Landscape Border required along site boundary.						
‡Only applies to subdivisions of eight (8) or more lots. See Sec. 3.7.2.4.A.2.						
*When within 100' of property line.						
+For development adjacent to PAD zones, see Sec. 3.7.2.4.C.6 and Sec. 3.7.3.6.E.						
★Unless jointly used between properties.						
(Ord. No. 8582, §1, 9/25/95; Ord. No. 8610, §1, 11/27/95; Ord. No. 8653, §1, 2/26/96; Ord. No. 9374, §1, 4/10/00)						

2. The minimum width of an interior landscape border is the lesser of ten (10) feet or the width of the building setback required by the *Land Use Code (LUC)* for the proposed building or use.
3. Where motor vehicle parking spaces or parking area access lanes (PAALs) are located next to the property line or where the interior landscape border conflicts with a utility easement, an interior landscape border is not required if:
 - a. An equivalent number of trees are planted elsewhere on the site between the building(s) and the property line. When the use on the site does not include buildings, the required canopy trees must be located between the principal use and the property line;
 - b. The trees are evenly distributed over the site; and
 - c. The minimum planting area required in Sec. 3.7.2.3.A.1.c is provided for each canopy tree.
4. Detention/retention facilities may be incorporated into the interior landscape border if they are designed in accordance with Sec. 3.7.4.3.A.

C. Exceptions to Landscape Border Requirements.

1. Within the Downtown Redevelopment District, the requirements for landscape borders are:
 - a. A street landscape border, measured from the development side of the future sidewalk location, shall be maintained along all public right-of-way frontages of vehicular use areas and parking structures.
 - b. A street landscape border is not required if the ground level story of a building containing a parking structure is not used for motor vehicle parking or if the parking structure is completely screened and enclosed by a masonry wall.
 - c. An interior landscape border is required only if the adjacent zone or land use is residential.
2. On expansions of an existing development located on a lot of record on February 17, 1991, ten thousand (10,000) square feet or less in size, the development is subject only to the following landscape border requirements.
 - a. On streets other than a Scenic or Gateway Route (refer to Sec. 3.7.5), the width of a street landscape border is a minimum of five (5) feet. With the permission of the City Engineer or designee, up to one-half (½) the street landscape border width may be located in the public right-of-way or in the Major Streets and Routes (MS&R) right-of-way area. (Ord. No. 9392, §1, 5/22/00)
 - b. Interior landscape borders are not required in existing vehicular use areas, if the existing vehicular use area was developed in compliance with the zoning regulations in effect at the time of development.
3. Interior landscape borders are not required:
 - a. Around interior pads within a site or between adjacent sites with common driveways, shared motor vehicle parking, or vehicular access easements or between two (2) adjacent nonresidential uses of equal intensity as determined by Table 3.7.2-I.
 - b. Where an alley, drainageway, or other right-of-way ten (10) feet or more in width physically separates the site from an adjacent property.

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- c. Where, prior to February 15, 1991, an open space area was provided as a buffer between the site and an adjacent less intensive use or zone, if the open space area is:
 - 1. At least ten (10) feet wide; and
 - 2. Restricted in perpetuity to natural or landscaped open space use through dedication to the public, deed restriction, or covenant running with the land.
 - d. Between two (2) similar uses, whether or not the uses are within the same zoning classification.
- 4. Street landscape borders are not required along street frontages where the landscaping requirements of the SCZ buffer area, Sec. 3.7.5.2, apply.
 - 5. The Development Services Department Director may grant a complete or partial exception to the landscape border requirements for development within a Historic Preservation Zone. The exceptions may be granted if, after completion of the historic district development review required by the Historic Preservation Zone, the Development Services Department Director determines that the requirements are not compatible with the character and design elements of the historic district. (Ord. No. 9967, §3, 7/1/04)
 - 6. For development adjacent to a Planned Area Development (PAD) zone, the landscaping requirements shall be those which are required for development adjacent to residential zones, except where an adjacent Planned Area Development (PAD) District has been developed or planned for nonresidential uses. In that case, the landscaping requirements are based on the adjacent land use. (Ord. No. 9374, §1, 4/10/00)

3.7.2.5 Use of Turf.

- A. Except as provided by Sec. 3.7.2.2.C.4, turf areas are allowed only within the oasis.
- B. Turf areas will be located to mitigate glare and reduce heat near buildings and their openings, including windows and patios, or to serve as an active play area.

3.7.2.6 Plant Size, Location, and Spacing.

- A. Required plant characteristics, sizes, and standards for various landscape applications are contained in Development Standard 2-06.0.
- B. Trees and shrubs are to be selected and located so that, at maturity, they do not interfere with existing on-site or off-site utility service lines or utility easements or with solar access, as defined in Sec. 6.2.19, to an adjacent property.

3.7.2.7 Plant Cover/Dust Control. All disturbed, grubbed, graded, or bladed areas not otherwise improved shall be landscaped, reseeded, or treated with an inorganic or organic ground cover to help reduce dust pollution.

- A. Ground surfaces in planting beds, planters, medians, or tree understory within a landscaped area that are not covered with shrubs, accent plants, vines, ground cover, or other vegetation from the Drought Tolerant Plant List shall be treated with an inorganic ground cover.
- B. Unless maintained as undisturbed natural desert, all portions of a site not occupied by buildings, structures, vehicular use areas, oasis areas, pedestrian circulation areas, or required landscape elements shall be landscaped with vegetation from the Drought Tolerant Plant List, reseeded with a native seed mix, or treated with an inorganic ground cover and maintained in a clean condition.
- C. Unless maintained as undisturbed natural desert, future building pads within a phased development shall be temporarily landscaped with vegetation from the Drought Tolerant Plant List, reseeded with a native seed mix, or treated with an appropriate inorganic ground cover and maintained in a clean condition as required by Sec. 7003(e) of the Uniform Building Code (UBC).

3.7.2.8 Design for Safety. Vehicular and pedestrian safety factors must be incorporated into all landscape designs. Safety factors include plant materials that at maturity do not present hazards to passersby or obstruct visibility of pedestrians or vehicles and other factors as listed in Development Standard No. 2-06.0.

3.7.2.9 Use of the Public Right-of-Way. Nonrequired landscaping may be placed in the public right-of-way, if the following requirements are met.

- A. The landscaping is approved by the City Engineer or designee and complies with the City Engineer's requirements on construction, irrigation, location, and plant type. (Ord. No. 9392, §1, 5/22/00)
- B. All vegetation complies with the requirements of Sec. 3.7.2.2.
- C. The landscaping does not interfere with the use of the sidewalk.

3.7.3 **SCREENING REQUIREMENTS.** The purpose of screening is to provide visual barriers, noise reduction, and to provide privacy. (Ord. No. 9967, §3, 7/1/04)

3.7.3.1 When Required. Screening for individual land uses and zones shall be provided as determined in Table 3.7.2-I and in addition to the required landscape borders. Screening is not required between similar uses, whether or not the uses are within the same zoning classification.

3.7.3.2 Location.

- A. Along interior lot lines of the site, the required perimeter screens must be located on the property line, unless the screen is provided between the property line and the use and a landscaped area of a minimum width of twenty (20) feet is provided between the screen and the property line.
- B. Whether or not required by this Division, screens along a street frontage must be located on the development side of the street landscape border so that they do not obstruct the view of the street landscape border from the street.
- C. Screens may be located within the street landscape border, if the following criteria are met.
 - 1. The street landscape border is a minimum of ten (10) feet wide.
 - 2. Hedges and other vegetative screens shall not extend more than three (3) feet into the street landscape border. If, based on the growing characteristics of the type of plant used, the ultimate width of the vegetative screen will be greater than three (3) feet, the vegetative screen must be sufficiently set back from the landscape border to accommodate the wider growth.
 - 3. Fences or walls constructed in a single continuous line shall extend into a street landscape border no more than the actual width of the fence or wall. Where a fence or wall incorporates offsets or similar design features, a screen may extend a maximum of three (3) feet into the street landscape border.
 - 4. Where earth berms are used, the crest of the berm must be located on site and no closer than one (1) foot from the street property line or, on sites subject to the MS&R zone, the MS&R right-of-way line.

3.7.3.3 Height Measurement. The height of a screen required under Table 3.7.2-I is measured as follows.

- A. The height of a screen adjacent to a property line or along a street frontage is the vertical distance measured on the development side of the screen from the finished grade at the base of the screen at all points along the screen to the top of the screen.
- B. Where ground mounted mechanical equipment is visible from the street frontage, the screen height is measured from the finished grade at the base of the mechanical equipment to its highest point.

3.7.3.4 Sight Visibility Triangle. Any screen higher than thirty (30) inches must be located outside of the sight visibility triangle.3.7.3.5 Phased Development. Where screening for phased development is required:

- A. The perimeter screening element along the property lines must be installed during development of the first phase; or
- B. Where the undisturbed natural desert is maintained in areas to be developed in subsequent phases, a temporary screen may be erected around the perimeter of the initial phase, subject to the following.
 - 1. Temporary screening may be an opaque wood fence or a chain link fence with wood slats.
 - 2. Temporary screening must be replaced by a permanent screen if construction of the subsequent phases is not started within two (2) years of the date the original phase received a certificate of occupancy.

3.7.3.6 Exceptions to Screening Requirements.

- A. The required screen along a street frontage for vehicular use and outdoor display areas may be lowered to thirty (30) inches if the site is located:
 - 1. On a street that is not designated as an MS&R; and
 - 2. Across the street from nonresidential uses or unimproved, nonresidentially zoned parcels.
- B. Where a building wall abuts a street landscape border, the building may serve as the required screen.
- C. The Development Services Department Director may grant a partial or complete exception to the screening requirements for development within a Historic Preservation Zone. The exceptions may be granted if, after completion of the historic district development review required by Historic Preservation Zone, the Development Services Department Director determines that the requirements are not compatible with the character of the historic district. (Ord. No. 9967, §3, 7/1/04)
- D. A partial or complete exception may be granted to the screening requirements for uses with extensive landscaped open space, including parks, cemeteries, or golf courses. (Ord. No. 9392, §1, 5/22/00)
- E. For development adjacent to a Planned Area Development (PAD) zone, the screening requirements shall be those which are required for development adjacent to residential zones, except where an adjacent Planned Area Development (PAD) District has been developed or planned for nonresidential uses. In that case, the screening requirements are based on the adjacent land use. (Ord. No. 9374, §1, 4/10/00)

3.7.3.7 Screening Materials.

- A. *Walls.*
 - 1. All walls required by this Division must be of masonry material or masonry with a stucco or textured finish.
 - 2. Decorative openings may be incorporated into the upper twenty (20) percent of an otherwise solid masonry wall located along a street frontage.
- B. *Earth Berms.* The slope of an earth berm, used alone or in combination with a retaining wall, shall not exceed one (1) foot of rise for every three (3) feet of linear distance. The width of an earth berm must be self stabilizing.
- C. *Hedges and Other Vegetation Screens.*
 - 1. Plants used for screening purposes may not be smaller than a five (5) gallon can size when planted. The plants may be aligned, or unevenly spaced, but must provide a continuous screen at maturity within two (2) years.
 - 2. Vegetative screens shall be planted in areas not less than three (3) feet in width.
- D. *Fences.*
 - 1. Wood fences must provide a continuous opaque screen.
 - 2. Nonwood fences, such as chain link, may not be used along a street frontage along a Gateway Route or within the SCZ.

3. Nonwood fences must have wooden slat inserts to provide opacity.

3.7.4 USE OF WATER. The following requirements conserve water and assist in carrying out xeriscape design principles.

3.7.4.1 Water Conservation Design. Landscape plans shall incorporate water-conserving designs. A water-conserving design takes into account soil and drainage factors and microclimates, includes grouping of plants with similar water requirements and use of efficient irrigation systems, and attempts to preserve on-site vegetation as more fully described in Development Standard 2-06.0.

3.7.4.2 Use of Reclaimed Water.

- A. Reclaimed water is to be used in new and expanded development in accordance with the adopted Mayor and Council Water Policies and other applicable state and local requirements.
- B. Prior to development plan approval or the issuance of a building permit, the Tucson Water Department will review the landscape plan for compliance with adopted City Water Policies.
- C. The availability of a reclaimed water service shall not confer any right to plant turf areas except as permitted under this Division.

3.7.4.3 Storm Water Runoff.

- A. Storm water detention/retention basins not integrated with paved vehicular use areas shall be landscaped to enhance the natural configuration of the basin. Plants located in the bottom one-third (1/3) of the detention/retention basin must be adaptable to periods of submersion. Design criteria are set forth in Development Standard 10-01.0.
- B. Grading, hydrology, and landscape structural plans are to be integrated to make maximum use of site storm water runoff for supplemental on-site irrigation purposes. The landscape plan shall indicate use of all runoff, from individual catch basins around single trees to basins accepting flow from an entire vehicular use area or roof area.

3.7.4.4 Ornamental Water Features.

- A. Ornamental water features, such as fountains or ponds, may be used, if all the following conditions are met.
 - 1. The total water surface area does not exceed one (1) percent of the net site area of the development.
 - 2. The water feature is located within the oasis area.
 - 3. The sum of the square feet of water surface area and the square feet of turf area does not exceed the total allowed square feet for the oasis allowance.
 - 4. Water in moving water features is recycled through the feature.
 - 5. The water feature is designed to prevent water seepage or leaking.
- B. This Section does not apply to swimming pools or spas.

3.7.4.5 Irrigation.

- A. A water-conserving irrigation system is required for all new landscape plantings. For sites that are larger than one (1) acre and on which the gross floor area of all buildings is more than ten thousand (10,000) square feet, an underground irrigation system is required.
- B. Storm water and runoff harvesting to supplement drip irrigation are required elements of the irrigation system for both new plantings and preserved vegetation.
- C. An irrigation plan shall be submitted together with the landscape plan required in Sec. 3.7.7.2.
- D. Temporary irrigation proposals will be reviewed on a case-by-case basis.

3.7.5 **SPECIAL REQUIREMENTS.** Certain areas of Tucson have been designated by the MS&R Plan for special landscape treatment to complement existing adjacent development. These areas include development along Gateway and Scenic Routes and development within the boundaries of adopted neighborhood and area plans containing specific landscape design criteria. (Ord. No. 9517, §3, 2/12/01)

3.7.5.1 Gateway Routes. Landscape plans for Gateway Routes are reviewed for conformance with landscaping and screening requirements of this Division.

3.7.5.2 Scenic Routes. The following landscape requirements apply to streets designated as Scenic Routes by the City's adopted MS&R Plan and regulated under Sec. 2.8.2.

- A. *Scenic Routes Buffer Area.* Adjacent to the MS&R right-of-way line, a buffer area thirty (30) feet wide shall be preserved and maintained in its natural state. In areas where public safety or the delivery of public services precludes preservation of existing vegetation, the buffer area shall be restored as closely to its natural state as possible. No development may occur in a Scenic Route buffer area except as provided in Sec. 3.7.5.2.C.
- B. *Measurement of the Scenic Routes Buffer Area.* Where the ultimate MS&R roadway design includes installation of a sidewalk, pedestrian way, or bike path, the buffer may be measured from the MS&R projected back of the sidewalk, pedestrian way, or bike path if the buffer does not encroach more than ten (10) feet into the MS&R right-of-way. The use of the MS&R right-of-way is permitted only if the area can be landscaped.
- C. *Permitted Improvements.* The following improvements may be located in the Scenic Route buffer area.
 - 1. Driveways, if they do not exceed twenty (20) percent of the Scenic Routes buffer area. If, due to topographical or engineering constraints, the driveway area exceeds twenty (20) percent of the buffer area, the width of the buffer area must be increased so that the area, exclusive of driveways, is at least twenty-four (24) times the frontage along the Scenic Route measured at the MS&R right-of-way line.
 - 2. Trenching for the placement of utility lines, if the area is revegetated in accordance with Sec. 3.7.5.2.D.
 - 3. An area not larger than eighteen (18) square feet and not exceeding thirty (30) inches in height per lot or parcel for the placement of utility transformers, pedestals, and service meters and hookups for utilities.
 - 4. Selected vegetation may be removed when the Department of Transportation determines that removal is necessary for public safety, if the removed plants are replaced with native vegetation.

D. *Revegetation of Site.*

1. Within the Scenic Route buffer area and the MS&R right-of-way, all areas between the MS&R right-of-way line and the existing street right-of-way that are disturbed by development shall be revegetated with native vegetation.
2. Within the SCZ, excluding the Scenic Routes buffer area, all disturbed areas on the site that are visible from the Scenic Route and are not covered by permanent improvements shall be revegetated with native plants, plants from the Drought Tolerant Plant List, or a combination of both.

E. *Cut and Fill.* Exposed cut or fill slopes shall be no greater than a one (1) foot rise or fall over a three (3) foot length.

3.7.5.3 Compliance with Neighborhood Plans. Where a development is subject to neighborhood or area plan requirements, landscape plans shall incorporate, to the greatest extent possible, the landscape, screening, and design provisions of the adopted plan. In case of a conflict between this Division and the provisions of a neighborhood or area plan, this Division shall apply.

3.7.6 MAINTENANCE. All required landscaping, irrigation systems, walls, screening devices, curbing, and detention basin landscape improvements on the site or within the abutting right-of-way shall be maintained as shown on the approved plans. The property owner is responsible for proper maintenance to achieve permanent, safe, and successful landscaping as required by this Division. Failure to maintain the improvements or landscaping required by this Division constitutes a violation of the *LUC*.

3.7.7 ADMINISTRATION.

3.7.7.1 Design and Review Procedures. The applicant for development approval is advised to schedule a presubmittal conference with the Development Services Department and Tucson Water Department staff with reference to specific design or review procedures. (Ord. No. 9967, §3, 7/1/04)

3.7.7.2 Plan Submittal. Landscape plans are to be submitted concurrently with the initial submittal of the applicable plan or plans required for development approval.

3.7.7.3 Review Procedures. Landscape plans are reviewed in the same manner and concurrent with the applicable plan review required for development approval. Comments on the landscape plans and requests for corrections or resubmittals are made in conjunction with responses to the applicable development plan, tentative plat, or site plan. For development located along Gateway Routes and Scenic Routes, the additional review procedures set forth in Sec. 2.8.2 and Sec. 2.8.4 of the *LUC* apply.

3.7.7.4 Site Inspection and Enforcement.

- A. *Inspections.* All landscaping required by this Division will be inspected by the Development Services Department (DSD) prior to a final certificate of occupancy being issued by the City or prior to the building being occupied. (Ord. No. 9392, §1, 5/22/00)
- B. *Enforcement.* City staff may enter a site or any part of a site for the purpose of performing inspections to verify compliance with the requirements of this Division. (Ord. No. 9392, §1, 5/22/00)

3.7.7.5 Variances. The Design Review Board (DRB) will review all variance requests from the Landscaping and Screening Regulations as provided in Sec. 5.1.8.3.G and forward a recommendation in accordance with Sec. 5.1.8.2.F. (Ord. No. 9179, §1, 12/14/98; Ord. No. 9967, §3, 7/1/04)

ARTICLE V. ADMINISTRATION

DIVISION 1. POWERS AND DUTIES

SECTIONS:

- 5.1.1 PURPOSE
 - 5.1.2 MAYOR AND COUNCIL
 - 5.1.3 CITY MANAGER
 - 5.1.4 PLANNING DEPARTMENT
 - 5.1.5 PLANNING COMMISSION
 - 5.1.6 ZONING EXAMINER
 - 5.1.7 BOARD OF ADJUSTMENT (B/A)
 - 5.1.8 DESIGN REVIEW BOARD (DRB)
 - 5.1.9 TUCSON-PIMA COUNTY HISTORICAL COMMISSION
 - 5.1.10 HISTORIC DISTRICT ADVISORY BOARDS
 - 5.1.11 DEVELOPMENT SERVICES DEPARTMENT (DSD)
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- 5.1.1 **PURPOSE.** This Division describes the responsibilities, powers, and duties exercised by the legislative and administrative bodies, appointive officers and municipal agencies, and boards and commissions involved in the planning, zoning, and division of land within the city.
- 5.1.2 **MAYOR AND COUNCIL.** The Mayor and Council perform the following functions.
 - 5.1.2.1 General Plan. The Mayor and Council shall adopt a comprehensive, long-range general plan for the development of the city known as the *General Plan* and any of its elements as provided in Sec. 5.2.2 and elements mandated by the Arizona Revised Statutes (ARS), Sec. 9-461.05 and 9-461.06. Adoption of, and amendment to, the *General Plan* shall be in accordance with procedures set forth in the Planning Commission Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.2. The *General Plan* is equivalent to the state-mandated general plan. (Ord. No. 9374, §1, 4/10/00; Ord. No. 9517, §4, 2/12/01; Ord. No. 9967, §5, 7/1/04)
 - 5.1.2.2 Specific Plans and Regulations. The Mayor and Council shall adopt specific plans, regulations, programs, and legislation as described in Sec. 5.2.3 and as may be needed for the systematic implementation of the *General Plan* and provided for in the Arizona Revised Statutes (ARS), Sec. 9-461.08. Adoption of, and amendment to, specific plans shall be in accordance with procedures set forth in the Planning Commission Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.2. (Ord. No. 9374, §1, 4/10/00; Ord. No. 9517, §4, 2/12/01; Ord. No. 9967, §5, 7/1/04)
 - 5.1.2.3 Redevelopment Plans. The Mayor and Council shall adopt redevelopment plans which are policy plans addressing slum and blighted areas from the standpoint of providing economic incentives to stimulate development/redevelopment. Consideration of adoption of, or amendment to, a redevelopment plan shall be in accordance with the Planning Commission Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.2. (Ord. No. 9517, §4, 2/12/01; Ord. No. 9967, §5, 7/1/04)
 - 5.1.2.4 Land Use Code (LUC). The Mayor and Council shall adopt and amend the *Land Use Code (LUC)* in accordance with procedures set forth in the Planning Commission Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.2. (Ord. No. 9517, §4, 2/12/01; Ord. No. 9967, §5, 7/1/04)
 - 5.1.2.5 Establishment of Original City Zoning. The Mayor and Council shall establish original city zoning for land annexed in accordance with procedures set forth in the Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3. (Ord. No. 9517, §4, 2/12/01; Ord. No. 9967, §5, 7/1/04)

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- 5.1.2.6 Changes in Zoning District Boundaries (Rezoning). The Mayor and Council shall consider amendments to zoning district boundaries as provided on the City Zoning Maps in accordance with there Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3. (Ord. No. 9517, §4, 2/12/01; Ord. No. 9967, §5, 7/1/04)
- 5.1.2.7 Repealed. (Ord. No. 8765, §1, 10/14/96; Ord. No. 9517, §4, 2/12/01)
- 5.1.2.8 Appeals of Zoning Examiner (Examiner) Decisions, Special Exception Land Uses. The Mayor and Council shall consider appeals from Zoning Examiner (Examiner) decisions on Special Exception Land Use applications in accordance with procedures set forth in the Mayor and Council Appeal Procedure, Sec. 23A-62. (Ord. No. 9517, §4, 2/12/01; Ord. No. 9967, §5, 7/1/04)
- 5.1.2.9 Plats. The Mayor and Council shall consider final plats in accordance with procedures set forth in Sec. 4.1.6.2. Authority to approve a tentative plat is delegated to the Development Services Department (DSD) Director. (Ord. No. 9392, §1, 5/22/00; Ord. No. 9517, §4, 2/12/01)
- 5.1.2.10 Special Exception Land Uses. The Mayor and Council shall consider Special Exception Land Use requests requiring legislative consideration in accordance with the Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3. (Ord. No. 9517, §4, 2/12/01; Ord. No. 9967, §5, 7/1/04)
- 5.1.2.11 Enforcement. The Mayor and Council shall adopt policies for establishing rules and procedures deemed necessary for the enforcement of the *Land Use Code (LUC)*. (Ord. No. 9517, §4, 2/12/01)
- 5.1.2.12 Appointments. The Mayor and Council appoint the members of the following boards and commissions.
- A. Planning Commission in accordance with Sec. 5.1.5.
 - B. Board of Adjustment (B/A) in accordance with Sec. 5.1.7.
 - C. Design Review Board (DRB) in accordance with Sec. 5.1.8. (Ord. No. 9967, §5, 7/1/04)
- (Ord. No. 9517, §4, 2/12/01)
- 5.1.2.13 Appeals of DSD Full Notice Procedure Decisions. The Mayor and Council shall consider appeals of Development Services Department (DSD) Director decisions on applications under the DSD Full Notice Procedure in accordance with the Mayor and Council Appeal Procedure, Sec. 23A-62. (Ord. No. 9179, §1, 12/14/98; Ord. No. 9392, §1, 5/22/00; Ord. No. 9517, §4, 2/12/01; Ord. No. 9967, §5, 7/1/04)
- 5.1.2.14 Protected Development Right Plan Approvals. The Mayor and Council shall consider for approval protected development right plans submitted in accordance with Arizona Revised Statutes (ARS), Sec. 9-1201 through 9-1205 inclusive and the procedures set forth in Sec. 5.3.10. (Ord. No. 9635, §1, 12/10/01; Ord. No. 9750, §1, 8/5/02)
- 5.1.3 CITY MANAGER.** The City Manager provides general supervision of, and direction to, the Department of Urban Planning and Design and the Development Services Department (DSD) in the administration of the *Land Use Code (LUC)*, subject to the control of the Mayor and Council, and is given the authority to perform the following duties. (Ord. No. 9392, §1, 5/22/00; Ord. No. 9967, §5, 7/1/04)
- 5.1.3.1 Enforcement. The City Manager assures that the *Land Use Code (LUC)* is enforced and that City agencies and employees provide assistance to the Department of Urban Planning and Design, the Development Services Department (DSD), and the responsible boards and commissions in the planning, zoning, and division of land. (Ord. No. 9392, §1, 5/22/00; Ord. No. 9967, §5, 7/1/04)
- 5.1.3.2 Capital Improvement Program. The City Manager, with the assistance of the Director of the Department of Urban Planning and Design and other City agencies, prepares a coordinated program of proposed public works for the city on an annual basis.
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6.2.22 DEFINITIONS - V.

Vehicular Use Area. Any area of a site or structure used for the parking, storage, or standing of motor vehicles. The vehicular use area includes access drives, maneuvering areas, refuse collection locations, loading spaces, and any landscaping and screening within ten (10) feet of these areas. (Ord. No. 10016, §2, 8/2/04)

Viable Plant. A plant on the Protected Native Plant List that is in good physical condition with high or medium rating for health, age, and form. (Ord. No. 8845, §2, 3/24/97)

Visible from the Scenic Route. Not blocked from view by buildings, structures, or natural features from the Scenic Routes. An object is considered visible whenever it can be seen, not blocked by an intervening structure or terrain, from four (4) feet above the natural grade at the future right-of-way line along the parcel.

6.2.23 DEFINITIONS - W.

Waiting Area. That portion of a public accommodations use allocated to clientele waiting to request or receive products or services offered by the use.

Wireless Communication. See Sec. 6.2.3, Communication, Wireless. (Ord. No. 8813, §1, 3/3/97)

Wireless Communications Provider. The entity which provides the wireless communication service. (Ord. No. 8813, §1, 3/3/97)

Wireless Communication Tower. See Sec. 6.2.20, Tower. (Ord. No. 8813, §1, 3/3/97)

6.2.24 DEFINITIONS - X.

Xeriscape. A landscaping program designed to save water using the seven (7) principles listed below. For examples, refer to Development Standard No. 2-06.0.

- A. Water conserving design.
- B. Low water use/drought-tolerant plants.
- C. Reduction in turf.
- D. Water harvesting techniques.
- E. Appropriate irrigation methods.
- F. Soil improvements and use of mulches.
- G. Proper maintenance practices.

6.2.25 DEFINITIONS - Y.

6.2.26 DEFINITIONS - Z.

Zoning Maps. Same as City Zoning Maps.

ZV. Same as Zoning Violation.

ZVC. Same as Zoning Violation Citation.

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APPENDIX 1

Checklist of Up-to-Date Pages

The following listing is included in this Code as a guide for the user to determine whether the Code volume properly reflects the latest print of each page.

In the first column, all page numbers are listed in sequence. The second column reflects the latest printing of the pages as they should appear in an up-to-date volume. When a page has been reprinted or printed as part of the supplement service, this column reflects the Supplement Number which is printed on the bottom of the page.

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